

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
 2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
 3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :

7 Jin Woo Her : Case #15-CMP-00762

8 t/a Fairmont Market :

9 2628 11th Street Northwest :

10 License #ABRA-77898 :

11 Retailer Class B :

12 ANC 1B :

13 Request Extended Safekeeping :

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15 Wednesday, May 25, 2016

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17 Whereupon, the above-referenced matter
 18 came on for hearing at the Alcoholic Beverage
 19 Control Board, Reeves Center, 2000 14th Street,
 20 N.W., Suite 400S, Washington, D.C. 20009.

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2 BOARD MEMBERS PRESENT

3 NICK ALBERTI, BOARD MEMBER

4 RUTHANNE MILLER, BOARD MEMBER

5 JAMES SHORT, BOARD MEMBER

6 MIKE SILVERSTEIN, BOARD MEMBER

7

8 OTHER PERSONS PRESENT

9 ABEL DEMISSIE

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1 P R O C E E D I N G S

2 FACT FINDING HEARING

3 CHAIRPERSON ANDERSON: The next case on
4 our calendar is a Fact Finding Hearing for
5 Staples Beer & Wine Grocery, License #96294.
6 Will the parties please approach? I'm sorry,
7 sir?

8 MR. DEMISSIE: Abel Demissie for Staples
9 Beer & Wine.

10 CHAIRPERSON ANDERSON: I did not hear
11 your name.

12 MR. DEMISSIE: Abel, A-B-E-L, and the
13 last name D-E-M-I-S-S-I-E. Because my brother,
14 he couldn't come [inaudible 16:48]this case.

15 CHAIRPERSON ANDERSON: All right, and you
16 are?

17 MR. DEMISSIE: The owner of Staples Beer
18 & Wine.

19 CHAIRPERSON ANDERSON: You're the owner?

20 MR. DEMISSIE: Yes.

21 CHAIRPERSON ANDERSON: All right, fine.
22 There's a paper there, can you sign your -- all

1 right, sir, you have a Class A license, the
2 license has been in safekeeping -- it's been in
3 safekeeping since April 18th, 2015, and so can
4 you tell us why is this license in safekeeping
5 and what efforts you are utilizing to take this
6 license out of safekeeping.

7 MR. DEMISSIE: Yes, I have put it in the
8 safekeeping --

9 MR. ALBERTI: Would you please speak --

10 CHAIRPERSON ANDERSON: You have to speak
11 up, sir. We can't hear you.

12 MR. DEMISSIE: Okay. Do you hear me now?

13 MS. MILLER: Yeah.

14 MR. DEMISSIE: My license was in
15 safekeeping because I'm trying to -- you know --
16 trying to [inaudible 18:16] so we just
17 processing, but we're just a little bit busy
18 right now so we'd like to ask to extend the time.
19 If you just give me [inaudible] we gonna do some
20 transfers of the family members.

21 CHAIRPERSON ANDERSON: You've been busy -
22 - I mean, you're holding onto a license that --

1 MR. DEMISSIE: I know --

2 CHAIRPERSON ANDERSON: -- I'm not sure if
3 you realize that we --

4 MR. DEMISSIE: [inaudible]

5 CHAIRPERSON ANDERSON: Hold on one
6 minute--

7 MR. DEMISSIE: Okay.

8 CHAIRPERSON ANDERSON: I'm not sure if
9 you realize that we're now -- we're now at the
10 cap for an A license, so, therefore, no one can
11 apply for an A license, so you're sitting on the
12 license that we can give to someone else that
13 you're not utilizing. So, you're saying that
14 you're busy and you need --

15 MR. DEMISSIE: No, we're just talking
16 about if the license is to transfer to one of the
17 family members, so we finish it, we just talking
18 about it, so we could make each other to, you
19 know, transfer it, that's why we just hold it --
20 if you get, in a one month period is when we're
21 going to finish it.

22 CHAIRPERSON ANDERSON: Questions by Board

1 members? Mr. Alberti.

2 MR. ALBERTI: Mr. Demissie. Is it Mr.
3 Abel, or Mr. Demissie?

4 MR. DEMISSIE: Mr. Demissie is my last
5 name.

6 MR. ALBERTI: Okay thank you. Mr.
7 Demissie, so -- okay I only got a few facts. So,
8 you operated at 1365 Florida Avenue before the
9 safekeeping?

10 MR. DEMISSIE: Yes, but in fact --

11 MR. ALBERTI: What, well what --

12 MR. DEMISSIE: Yes?

13 MR. ALBERTI: Are you still, do you still
14 have control of that property?

15 MR. DEMISSIE: Yes.

16 MR. ALBERTI: You still have a lease or
17 you own the property?

18 MR. DEMISSIE: Yes, a lease.

19 MR. ALBERTI: Okay, you have a lease for
20 that property.

21 MR. DEMISSIE: Yes.

22 MR. ALBERTI: Okay. So, if I understand

1 you, you want to transfer the license that you
2 have to someone else?

3 MR. DEMISSIE: Yes.

4 MR. ALBERTI: Okay.

5 MR. DEMISSIE: But the thing is, we just,
6 the safekeeping the B license. I used to have a
7 B license that I transferred A. I have A right
8 now. Right, so I'm trying to the B is, one of the
9 family members to transfer the license.

10 MR. ALBERTI: No, no, no. You don't have
11 -- you no longer have a B.

12 MR. DEMISSIE: Okay.

13 MR. ALBERTI: You have just an A. Unless
14 you have -- did you ever have more than one
15 license?

16 MR. DEMISSIE: I guess it's --

17 MR. ALBERTI: Did you ever have more than
18 one license?

19 MR. DEMISSIE: No.

20 MR. ALBERTI: No, okay, so you had one
21 license.

22 MR. DEMISSIE: Yes.

1 MR. ALBERTI: It was a B.

2 MR. DEMISSIE: No, A.

3 MR. ALBERTI: It was a B.

4 MR. DEMISSIE: Okay, B.

5 MR. ALBERTI: It was in the past, in the
6 past. It was a B.

7 MR. DEMISSIE: Yes.

8 MR. ALBERTI: You changed it to an A.

9 MR. DEMISSIE: Yes.

10 MR. ALBERTI: You have one license still.

11 MR. DEMISSIE: Yes, yes.

12 MR. ALBERTI: Okay, and you want to
13 transfer that license to someone else?

14 MR. DEMISSIE: The one -- the
15 safekeeping, the B license.

16 MR. ALBERTI: You don't have a B license.

17 MR. DEMISSIE: Oh.

18 MR. SILVERSTEIN: You only have one.

19 MR. ALBERTI: Mike, please. When I'm
20 finished you can speak.

21 CHAIRPERSON ANDERSON: All right, all
22 right. Mr. Alberti.

1 MR. ALBERTI: So, you only have one
2 license.

3 MR. DEMISSIE: One license.

4 MR. ALBERTI: You -- the A -- the B that
5 you had was changed to an A.

6 MR. DEMISSIE: Okay.

7 MR. ALBERTI: You only have one license.
8 Do you understand me now?

9 MR. DEMISSIE: Yes, exactly.

10 MR. ALBERTI: All right, you do not have
11 a B license that you can transfer to someone.

12 MR. DEMISSIE: So, the one we just put in
13 safekeeping?

14 MR. ALBERTI: The one you put in
15 safekeeping is an A.

16 MR. DEMISSIE: I think it's A is my hand
17 is on this store.

18 MR. ALBERTI: Pardon?

19 MR. DEMISSIE: The A is still when I open
20 the store.

21 MR. ALBERTI: Is your store open?

22 MR. DEMISSIE: Yes.

1 MR. ALBERTI: And it's operating?

2 MR. DEMISSIE: Yes.

3 MR. ALBERTI: And you're selling alcohol?

4 MR. DEMISSIE: Yes.

5 MR. ALBERTI: And you're selling it as an
6 A?

7 MR. DEMISSIE: Yes.

8 MR. ALBERTI: Okay, great. There seems
9 to be some confusion by yourself and on the part
10 of our staff.

11 MR. DEMISSIE: Okay --

12 MR. ALBERTI: So, I'm going to ask you to
13 -- who should he speak to? Mr. Hagar? Can he --
14 can you -- and I would suggest that you speak to
15 Mr. Hagar today.

16 MR. DEMISSIE: Okay, sure.

17 MR. ALBERTI: So, our general counsel is
18 going to get Mr. Hagar.

19 MR. DEMISSIE: Okay, sure.

20 MR. ALBERTI: So, you need to talk with
21 Mr. Hagar and we'll talk to Mr. Hagar, and we'll
22 see if we can straighten things out and tell you

1 what -- how -- what is correct, all right?

2 MR. DEMISSIE: Okay.

3 MR. ALBERTI: 'Cause I'm -- I don't know
4 where the miscommunication is and who is right
5 and who's wrong at this point.

6 MR. DEMISSIE: Okay.

7 MR. ALBERTI: All right. So, let's have
8 you speak with Mr. Hagar.

9 MR. DEMISSIE: Sure.

10 MR. ALBERTI: Actually, I don't really
11 have any more questions and I think that Mr.
12 Demissie can probably go talk to Mr. Hagar
13 outside of this hearing.

14 CHAIRPERSON ANDERSON: What license is he
15 paying for?

16 MR. ALBERTI: I don't know. I don't
17 know. I think staff needs to figure that out. I
18 don't know -- I don't know -- I don't know what's
19 going on. I think I know what's going on, but I
20 can't say for certain and so we'll let staff
21 handle this with Mr. Demissie and they will come
22 back to us after they straighten it out.

1 CHAIRPERSON ANDERSON: All right. Well,
2 that's what we're going to have. But since the
3 owner is here do we have any other questions by
4 any other Board members?

5 MS. MILLER: I -- I --

6 CHAIRPERSON ANDERSON: Go ahead, Ms.
7 Miller.

8 MS. MILLER: I just want to make a
9 comment in case -- there's a lot of confusion
10 around here. So, we called you in to find out
11 what was happening with your license.

12 MR. DEMISSIE: But one of my thoughts was
13 like so the B and that's my understanding is the
14 B is keeping in safekeeping --

15 MS. MILLER: Okay, so --

16 MR. DEMISSIE: The A was just operating
17 the store right now.

18 MS. MILLER: What's going to happen is
19 you're going to meet with Mr. Hagar who is our
20 expert on licensing and he's going to talk with
21 you and clarify what kind of license you have,
22 etc., and what you can do with it in safekeeping

1 or not do and all this stuff and then it'll come
2 back to the Board to decide about an extension.

3 MR. DEMISSIE: Okay.

4 MS. MILLER: Is that correct, Mr. Chair,
5 would you say that's correct?

6 CHAIRPERSON ANDERSON: Yes.

7 MS. MILLER: Okay.

8 MR. DEMISSIE: So, we waiting?

9 CHAIRPERSON ANDERSON: Just a minute.
10 We're not done with you yet. I want to make sure
11 no other Board members have questions. Do we have
12 any other questions by any of the Board members?
13 All right. If we have no other questions, then
14 before you leave today we'll have -- why don't
15 you wait in the audience? We'll have Mr. Hagar
16 speak to you about what type of license you have
17 and the status of that license and then we will
18 let you know. The Board will advise you whether
19 or not there's any need for a license for you to
20 be in safekeeping, okay?

21 MR. DEMISSIE: Okay.

22 CHAIRPERSON ANDERSON: Okay, Mr. Hagar is

1 at the back of the room.

2 MS. MILLER: Thank you.

3

4 (Whereupon, the above-entitled matter was
5 concluded.)

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